

WATER COUNCIL MEETING

Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

November 14, 2007
9:00 a.m.

Members present: Chairman Bridges, Councilors Bradley, Butler, Christie, Cowan, Czysz, Densberger, Dupee, Lussier, Lyons, Rawnsley, Rastallis, and Varotsis

Members absent: Councilors Decker, Barrett, and Phillips

John Bridges, Chairman, called the meeting to order at 9:00 a.m.

1. Approval of Minutes of October 10, 2007 Meeting

A motion was made by Councilor Varotsis to accept the minutes of October 10, 2007, second by Councilor Lussier. Councilor Christie noted that "regarding the issue of standing" was part of the motions for 05-21 and 07-21(to be inserted after the word, "recommendation," in both motions). The Council unanimously voted to approve this motion with the additions.

At 9:03 AM Councilor Varotsis made a motion to go into Executive Session, second by Councilor Bradley. The Council voted unanimously to approve this motion.

Meeting reconvened at 9:50 AM with Chairman Bridges noting there were no votes taken during Executive Session and that counsel was received from Attorney Blenkinsop.

2. Status of Appeals

- Docket No. 05-21 WC - Save Our Groundwater Appeal

Councilor Lussier made a motion to deny the Appeal for Save Our Groundwater based on the same conditions that we have already articulated and have our legal people draft up a notice so indicated. Councilor Bradley seconded the motion. The Council unanimously voted in favor of this motion.

- Docket No. 07-21 WC – Tuftonboro Conservation Commission

Councilor Bradley made a move that there wasn't sufficient documentation submitted and therefore move to deny the appeal. Councilor Butler seconded the motion. The Council voted unanimously to approve this motion.

Councilor Dupee asked that the letter indicate why the Council felt their standing wasn't there.

- **Docket No. 07-19 WC – Presby Environmental, Inc.**

Councilor Lussier made a motion that we deny that Appeal also on the grounds that this is not a matter that should come before the Council, should be handled in another form. Councilor Rawnsley seconded the motion. The motion carried with one nay by Councilor Christie.

Councilor Rawnsley noted a letter of the same type will follow explaining the decision.

3. Rules

A. Paul Currier, Administrator of the Watershed Bureau, reviewed the Surface Water Quality Regulations Env-Wq 1700. These rules expire in December. This is a re-adoption of existing rules with housekeeping changes that have come as a result of EPA changing their recommended criteria for various constituents. The Water Quality Advisory Committee which had been working on substantive changes for several years before it became inactive 1 ½ years ago, will be reactivated in December for substantive changes to be recommended within a six month timeframe. Any interested members of the Water Council are invited to join this group, which will meet on December 10.

Councilor Dupee made a motion to approve the adoption of Env- Wq 1700 as presented. Councilor Bradley seconded the motion. The Council unanimously voted in favor of this motion.

B. Bill Evans, Administrator of the Subsurface Bureau, and Dick de Seve reviewed the Subsurface rules, Env-Wq 1000, which are in interim rule status and expire in February.

Councilor Varotsis made a motion to move the rules along. Councilor Densberger seconded the motion. The Council unanimously voted in favor of this motion.

Councilor Christie asked that the minutes reflect kudos to Gretchen and all who prepared the presentation of these materials.

4. Comprehensive Shoreland Protection Act

Darlene Forst, Supervisor of the Shoreland Program in the Wetlands Bureau, did a presentation on the Shoreland Protection Rules, the changes to the law, and the standards that are changed. Among other procedures, these rules establish the process by which a permit is applied for. The Rules were developed with input from a stakeholder group, which Darlene anticipates will continue to function in 2008, in order to fill gaps and address additional concerns. However, it is critical that the Water Council approve the Rules as they currently exist, so that DES can have Rules in place when changes to the statute become effective on April 1, 2008.

Councilor Varotsis moved that the Shoreland Protection rules be accepted. Councilor Densberger seconded the motion. The Council unanimously voted in favor of this motion.

5. **Legislative Update: Harry Stewart**

Director Stewart reported that legislation is quiet as LSRs are just coming in.

6. **Other Business**

Director Stewart introduced Paul Heirtzler, the new Administrator of the Wastewater Engineering Bureau. Paul spoke to the Council regarding his experience and background and his anticipation of developing a good relationship with the Water Council.

7. **Next Meeting**

The next meeting is scheduled for December 12, 2007.

8. **Adjournment**

A motion was made by Councilor Lussier at 11:20 to adjourn. The motion was seconded by Councilor Butler and unanimously voted.